

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JUN 13 2013

Phil Lombardi, Clerk
U.S. DISTRICT COURT

GLORIA PEREZ,

Plaintiff,

v.

BROOKSIDE CLEANERS, L.L.C., a
domestic limited liability company,

Defendant.

Case No. **13 CV - 354 GKF - TLW**

*Removed from the District Court in and for
Tulsa County, State of Oklahoma, Case No.
CJ-2013-2396*

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Fed.R.Civ.P. 81 and N.D.Okla. LCvR 81.1-81.4, Defendant Brookside Cleaners, L.L.C. (“Brookside”) hereby removes to this Court the entire state court civil action described below. By removing said action, Brookside does not waive, and expressly reserves, any and all defenses, affirmative or otherwise, available to it including, without limitation, lack of personal jurisdiction, improper venue, insufficient process, insufficient service of process, and failure to state a claim for which relief can be granted, all of which defenses are expressly reserved hereby.¹

¹ See 5C Wright, Miller & Kane, Fed. Prac. & Proc. § 1395 (3d ed.Supp.2012) (“a party who removes an action from a state to a federal court does not thereby waive any of his or her Federal Rule 12(b) defenses or objections”) (citing *Freeman v. Bee Machine Co.*, 319 U.S. 448 (1943)); 14C Wright & Miller, Fed. Prac. & Proc. § 3738 & n.20 (4th ed.Supp.2012) (“The governing principle remains, however, that defendants do not waive any defense by removing a case to federal court and may move to dismiss—for lack of personal jurisdiction, for example—or assert the defense of lack of personal jurisdiction in an answer filed before or after removal”); *Nationwide Eng’g & Control Sys., Inc. v. Thomas*, 837 F.2d 345, 346 (8th Cir.1988); *Silva v. City of Madison*, 69 F.3d 1368, 1376 (7th Cir.1995).

1. This removed action is a civil action commenced by the filing of Plaintiff's Petition (the "Petition") on or about May 16, 2013, in the District Court in and for Tulsa County, State of Oklahoma, styled *Gloria Perez v. Brookside Cleaners, LLC*, Case No. CJ-2013-2396 (the "State Court Action").

2. The Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 1981, and the action may be removed to this Court pursuant to 28 U.S.C. § 1441(a).

3. The State Court Action was commenced in the District Court in and for Tulsa County, State of Oklahoma, which is within the jurisdiction of the Northern District of Oklahoma. 28 U.S.C. § 116(a).

4. The Petition alleges claims arising under the Constitution, laws, or treaties of the United States as follows: the Petition seeks relief for alleged race and national origin discrimination in violation of 42 U.S.C. § 1981. Because the Petition seeks relief under federal law, raising a federal question, this action may be removed to this Court.

5. Accordingly, federal question jurisdiction exists under 28 U.S.C. § 1331 to support the Court's original jurisdiction over this civil action, and removal jurisdiction exists under 28 U.S.C. § 1441(a). Further, the United States District Court for the Northern District of Oklahoma is the appropriate forum to which the State Court Action is to be removed because this Court is situated within the judicial district where the State Court Action was pending under 28 U.S.C. § 116(a).

6. Plaintiff filed the State Court Action on or about May 16, 2013.

7. On or about May 18, 2013, Brookside first received a copy of the Petition, setting forth the claims for relief upon which the State Court Action was based, pursuant to 28 U.S.C. § 1446(b)(1).

8. This Notice of Removal is filed within 30 days after Defendant's receipt of the Petition in the State Court Action upon Defendant.

9. Pursuant to 28 U.S.C. § 1446(d), Defendant will file a copy of this *Notice of Removal* with the Clerk of the District Court in and for Tulsa County in the State Court Action and will serve all counsel of record in this action with this *Notice of Removal* promptly after its filing.

10. Pursuant to § 1446(a) and LCvR 81.2, copies of the most current docket sheet generated from the OSCN.net website for the State Court Action and copies of all filings in the State Court Action are appended hereto as separate exhibits (numbered Exhibits 1-6) and incorporated herein. No motions are pending in the State Court Action.

11. Pursuant to LCvR 81.2, Brookside will file a Status Report on the Removed Action.

WHEREFORE, Defendant Brookside Cleaners, L.L.C. hereby removes the entire action from the District Court in and for Tulsa County, State of Oklahoma to the United States District Court for the Northern District of Oklahoma.

**DOERNER, SAUNDERS, DANIEL
& ANDERSON, L.L.P.**



By: _____

Christopher S. Thrutchley, OBA No. 15859
Kenneth T. Short, OBA No. 22712
Two West Second Street, Suite 700
Tulsa, Oklahoma 74103-3117
Telephone (918) 582-1211
Facsimile (918) 591-5360
cthutchley@dsda.com
kshort@dsda.com

-And-

Joe M. Bohannon, OBA No. 12568
4157 S. Harvard Ave., Ste. 100
Tulsa, Oklahoma 74135
Telephone (918) 744-5696
joebolaw@tulsacoxmail.com

**ATTORNEYS FOR DEFENDANT
BROOKSIDE CLEANERS, L.L.C., A
DOMESTIC LIMITED LIABILITY
COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of June, 2013, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Brendan M. McHugh

I hereby certify that on the 13th day of June, 2013, I mailed, via first class mail, postage paid, to the following non-ECF registrants:

Joe M. Bohannon
4157 S. Harvard Ave., Ste. 100
Tulsa, Oklahoma 74135



Christopher S. Thrutchley



www.oscn.net
THE OKLAHOMA STATE COURTS NETWORK

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IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

GLORIA PEREZ, Plaintiff, v. BROOKSIDE CLEANERS LLC, Defendant.	No. CJ-2013-2396 (Civil relief more than \$10,000: WRONGFUL TERMINATION) Filed: 05/16/2013 Judge: Kuehn, Dana
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Parties

BROOKSIDE CLEANERS LLC , Defendant
PEREZ, GLORIA , Plaintiff

Attorneys

Attorney

BOHANNON, JOE MARION(Bar # 12568)
4157 S HARVARD, STE 100
TULSA, OK 74135

Represented Parties

BROOKSIDE CLEANERS LLC,

McHugh, Brendan M(Bar # 18422)
P.O. BOX 2702
18583 S. HIGHWAY 66
CLAREMORE, OK 74018

PEREZ, GLORIA

Events

Event	Party	Docket	Reporter
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Issues

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

Issue # 1.

Issue: WRONGFUL TERMINATION (TERMINATE)

Filed by: PEREZ, GLORIA

Filed Date: 05/16/2013

Disposition Information:

Party Name:

Defendant: BROOKSIDE CLEANERS LLC

Pending.

Docket

Date	Code	Count	Party	Serial #	Entry Date	
05-16-2013	TEXT	1		85484996	May 16 2013 4:22:35:173PM	\$ 0.00
CIVIL RELIEF MORE THAN \$10,000 INITIAL FILING.						
05-16-2013	TERMINATE	-		85484998	May 16 2013 4:22:35:213PM	Realized \$ 0.00
WRONGFUL TERMINATION						

EXHIBIT

tabbles

1

05-16-2013	DMFE	-	85484999	May 16 2013 4:22:35:223PM	Realized	\$ 2.00
	DISPUTE MEDIATION FEE(\$ 2.00)					
05-16-2013	PFE1	-	85485000	May 16 2013 4:44:28:003PM	Realized	\$ 163.00
	PETITION(\$ 163.00)					
	 Document Available (#1021640017)					
05-16-2013	PFE7	-	85485001	May 16 2013 4:22:35:223PM	Realized	\$ 6.00
	LAW LIBRARY FEE(\$ 6.00)					
05-16-2013	OCISR	-	85485002	May 16 2013 4:22:35:223PM	Realized	\$ 25.00
	OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND(\$ 25.00)					
05-16-2013	CCADMIN02	-	85485003	May 16 2013 4:22:35:223PM	Realized	\$ 0.20
	COURT CLERK ADMINISTRATIVE FEE ON \$2 COLLECTIONS(\$ 0.20)					
05-16-2013	OCJC	-	85485004	May 16 2013 4:22:35:223PM	Realized	\$ 2.00
	OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND(\$ 2.00)					
05-16-2013	OCASA	-	85485005	May 16 2013 4:22:35:223PM	Realized	\$ 5.00
	OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES(\$ 5.00)					
05-16-2013	CCADMIN04	-	85485006	May 16 2013 4:22:35:223PM	Realized	\$ 0.50
	COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS(\$ 0.50)					
05-16-2013	LTF	-	85485007	May 16 2013 4:22:35:333PM	Realized	\$ 10.00
	LENGTHY TRIAL FUND(\$ 10.00)					
05-16-2013	SMF	-	85485008	May 16 2013 4:22:35:383PM	Realized	\$ 5.00
	SUMMONS FEE (CLERKS FEE)(\$ 5.00)					
05-16-2013	SMIP	-	85485009	May 16 2013 4:22:35:413PM	Realized	\$ 0.00
	SUMMONS ISSUED - PRIVATE PROCESS SERVER					
05-16-2013	EAA	-	PEREZ, GLORIA	85486720	May 17 2013 9:06:33:430AM	-
	ENTRY OF APPEARANCE BY PLF ATTY BRENDAN M MCHUGH (COVERSHEET ATTACHED)					
	 Document Available (#1021824367)					
05-16-2013	EAA	-	PEREZ, GLORIA	85486862	May 17 2013 9:11:37:613AM	-
	ENTRY OF APPEARANCE BY PLF ATTY					
	 Document Available (#1021824355)					
05-16-2013	TEXT	-	85484997	May 16 2013 4:22:35:193PM	-	\$ 0.00
	OCIS HAS AUTOMATICALLY ASSIGNED JUDGE KUEHN, DANA TO THIS CASE.					
05-16-2013	ACCOUNT	-	85485124	May 16 2013 4:27:08:273PM	-	\$ 0.00
	RECEIPT # 2013-2602367 ON 05/16/2013.					
	PAYOR:FLYNN TOTAL AMOUNT PAID: \$218.70.					
	LINE ITEMS:					
	CJ-2013-2396: \$168.00 ON AC01 CLERK FEES.					
	CJ-2013-2396: \$6.00 ON AC23 LAW LIBRARY FEE.					
	CJ-2013-2396: \$0.70 ON AC31 COURT CLERK REVOLVING FUND.					
	CJ-2013-2396: \$5.00 ON AC58 OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES.					
	CJ-2013-2396: \$2.00 ON AC59 OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND.					

CJ-2013-2396: \$2.00 ON AC64 DISPUTE MEDIATION FEES.
CJ-2013-2396: \$25.00 ON AC79 OCIS REVOLVING FUND.
CJ-2013-2396: \$10.00 ON AC81 LENGTHY TRIAL FUND.

05-31-2013 EAA	-	BROOKSIDE CLEANERS LLC	85630797	Jun 3 2013 9:42:21:347AM	-	\$ 0.00
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ENTRY OF APPEARANCE & RESERVATION OF TIME TO PLEAD (JOE BOHANNON ENTERS AS
COUNSEL - COVERSHEET ATTACHED) / CERTIFICATE OF MAILING
 [Document Available \(#1021935842\)](#)

06-03-2013 CERTS	-	PEREZ, GLORIA	85642191	Jun 3 2013 4:28:32:353PM	-	\$ 0.00
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CERTIFICATE OF SERVICE EXECUTED , PLAINTIFF'S PETITION, SUMMONS
 [Document Available \(#1021936762\)](#)

Report Generated by The Oklahoma Court Information System at June 11, 2013 15:36 PM

End of Transmission.



IN THE DISTRICT COURT OF TULSA COUNTY **DANA LYNN KUEHN**
STATE OF OKLAHOMA

GLORIA PEREZ,
Plaintiff,

v.

BROOKSIDE CLEANERS, LLC, a
Domestic limited liability company,
Defendant.

) **CJ 2013-02396**
) Case No. CJ-2013-
)
)
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)
)

DISTRICT COURT
FILED

MAY 16 2013

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

PETITION

The Plaintiff Gloria Perez (Plaintiff) by and through her attorney, Brendan M. McHugh, hereby submits her Petition against Defendant Brookside Cleaners, LLC (Defendant). In support thereof, Plaintiff alleges and states as follows:

1. Plaintiff is an individual who is a former employee of Defendant.
2. Defendant is an Oklahoma LLC operating a Laundromat in Tulsa, Oklahoma.
3. Plaintiff is in a protected class in that she is Hispanic and Defendant engaged in race discrimination and national origin discrimination in violation of 42 U.S.C. §1981 by terminating her based on her race. Such conduct also includes invidious race discrimination.
4. Plaintiff began working for Defendant in 2009.
5. On or about March 16th 2013, Plaintiff, who at the time was 8 ½ months pregnant, was terminated by Defendant. Plaintiff's race and national origin was a significant motivating factor for Defendant terminating her.
6. As a result of Defendant's conduct, Plaintiff has sustained substantial damages in excess of \$75,000.00.
7. Defendant acted with reckless disregard for the rights of Plaintiff, intentionally and with malice and with conscious disregard of the federally secured rights of Plaintiff

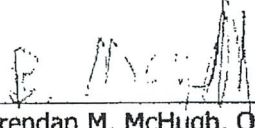


2013 MAY 16 11:46:29
SALLY HOWE SMITH
COURT CLERK
STATE OF OKLA. TULSA COUNTY

and as such, punitive damages in excess of \$75,000.00 should be assessed against them.

8. Plaintiff should be awarded a reasonable amount of attorney fees and costs incurred herein.

WHEREFORE, for all of the foregoing reasons, Plaintiff respectfully requests an award of actual damages in excess of \$75,000.00, an award of punitive damages in excess of \$10,000.00, the costs of this action and any other and further relief this Court deems proper.


Brendan M. McHugh, OBA #18422
Attorney for Plaintiff
P.O. Box 1392
Claremore, OK 74018
(918) 343-1773
Fax: (918) 283-4331

JURY TRIAL DEMANDED

ATTORNEY LIEN CLAIMED



IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

GLORIA PEREZ,
Plaintiff,

v.

BROOKSIDE CLEANERS, LLC, a
Domestic limited liability company,
Defendant.

CJ 2013-02396

Case No. CJ 2013

DISTRICT COURT
FILED

MAY 16 2013

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

ENTRY OF APPEARANCE

I, Brendan M. McHugh, Attorney at Law enter my appearance as counsel of record for
Plaintiff Gloria Perez.

Brendan M. McHugh, OBA #18422
Attorney for Plaintiff
P.O. Box 1392
Claremore, OK 74018
(918) 343-1773
Fax: (918) 283-4331

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SALLY HOWE SMITH
COURT CLERK





IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

DANA LYNN RUEHN

GLORIA PEREZ,
Plaintiff,

v.

BROOKSIDE CLEANERS, LLC, a
Domestic limited liability company,
Defendant.

)
) Case No. CJ-2013-
CJ 2013-02396
) DISTRICT COURT
) **FILED**
)

MAY 16 2013

ENTRY OF APPEARANCE

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

I, Brendan M. McHugh, Attorney at Law enter my appearance as counsel of record for
Plaintiff Gloria Perez.

Brendan M. McHugh, OBA #18422
Attorney for Plaintiff
P.O. Box 1392
Claremore, OK 74018
(918) 343-1773
Fax: (918) 283-4331

2013 MAY 16 PM 4:29
SALLY HOWE SMITH
COURT CLERK





IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

GLORIA PEREZ,

Plaintiff

DISTRICT COURT
FILED

CJ-2013-02396

Vs.

MAY 31 2013

Judge Dana Lynn Kuehn

BROOKSIDE CLEANERS, LLC, a
Domestic Limited Liability Company

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLAHOMA, TULSA COUNTY

Defendant.

ENTRY OF APPEARANCE AND RESERVATION OF TIME TO PLEAD

Comes now Joe M. Bohannon, attorney and enters his appearance in this matter. I represent BROOKSIDE CLEANERS, LLC, who is the named Defendant. Counsel requests an additional twenty days to respond to the Petition filed by the Plaintiff on May 16, 2013, and personally served on the Defendant on May 18, 2013, making the due date for the Answer June 27, 2013.

Joe M. Bohannon, OBA # 012568
4137 S. Harvard, Ste. 100
Tulsa, OK 74135
Tel: 918-744-5696
joebolaw@tulsacoxmail.com

CERTIFICATE OF MAILING

I certify that on the 31 day of ^{May}~~June~~, 2012, I mailed a copy of this document via U.S. Mail, first class, Postage Prepaid, the following person:

Brendan M. McHugh
P.O. Box 1392
Claremore, OK 74018

Joe M. Bohannon OBA # 012568
Attorney for Defendant, Brookside Cleaners, LLC

2013 MAY 31 PM 3:29
SALLY HOWE SMITH
COURT CLERK

J1998





IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

GLORIA PEREZ,
Plaintiff,

Case No. CJ-2013-2396

JUN - 8 2013

v.

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

BROOKSIDE CLEANERS, LLC, a
Domestic limited liability company,
Defendant.

CERTIFICATE OF SERVICE EXECUTED

I, Brendan M. McHugh, hereby certify that a true and correct copy of Plaintiff's
Petition along with a Summons was served on the below listed Defendant in this case by
certified mail:

DEFENDANT

DATE OF SERVICE

BY SERVING

Brookside Cleaners, LLC

5/18/13

Service of the documents set forth above is evidenced by the documents
attached hereto as "Exhibit 1".

Brendan M. McHugh, OBA #18422
Attorney for Plaintiff
PO Box 1392
Claremore, OK 74018
(918) 343-1773
Fax: (918) 283-4331

EXHIBIT

tabbles

6

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Brookside Cleaners, LLC
 Reg. Ag: Bryan D. Nunneley
 3632 S Peoria
 Tulsa, OK 74105

2. Article Number
(Transfer from service label)

7011 1570 0002 2774 7340

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *G. Arriz* ☒ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

5/18

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☒ No

3. Service Type

- ☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes